

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EDWARDS FAMILY,

Plaintiff,

v.

CLARK COUNTY, et al.,

Defendants.

Case No. 2:12-cv-01530-MMD-PAL

ORDER

This closed *pro se* civil rights action comes before the Court on plaintiff's motion for further declaratory relief. (Dkt. no. 18.) The time period for seeking relief under Rule 59 of the Federal Rules of Civil Procedure has expired, such that the motion necessarily arises instead under Rule 60.

This action was dismissed by a final judgment entered on April 10, 2013, following plaintiff's failure to timely either pay the filing fee or submit a properly completed pauper application. The certificate of service on the present motion is dated April 17, 2014, more than a year after entry of judgment. The motion therefore is untimely to the extent that plaintiff seeks relief under Rule 60(b)(1) through (3). Plaintiff otherwise has not presented a viable basis for relief from judgment under Rule 60(b)(4) through (6). Plaintiff, in particular, has not presented any nonfrivolous and factually supported argument in the motion and attachments establishing a basis for vacating the final judgment with regard to the basis on which judgment was entered. Plaintiff may not pursue an action that has been closed by a final judgment, including by filing further pleadings in the closed action.

1 It is therefore ordered that plaintiff's motion for further declaratory relief is denied.

2 This action has been, and remains, closed.

3 DATED THIS 6th day of May 2013.

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5 MIRANDA M. DU
6 UNITED STATES DISTRICT JUDGE
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